

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|--------------------------------------|---|---------------------|
| ILLINOIS TOOL WORKS INC., |) | |
| a Delaware corporation, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | C.A. No. 06-054-GMS |
| |) | |
| FRITO-LAY NORTH AMERICA, INC., f/k/a |) | |
| RECOT, INC., |) | |
| a Delaware corporation. |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiff Illinois Tool Works Inc. ("ITW") moves pursuant to Fed. R. Civ. P. 41(a)(2) for an order dismissing the Complaint without prejudice. The bases for this motion are set forth more fully in ITW's Opening Brief submitted herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
rsmith@mnat.com

Attorneys for Plaintiff Illinois Tool Works, Inc.

OF COUNSEL:

Gerald Levy
Richard H. Brown
DAY PITNEY LLP
7 Times Square
New York, NY 10036-7311
(212) 297-5800

December 28, 2007
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CERTIFICATE OF SERVICE

I, Rodger D. Smith II, hereby certify that on December 28, 2007, I caused the foregoing to be electronically filed, which will send notification of such filing(s) to the following:

John W. Shaw, Esquire
Karen L. Pascale, Esquire
YOUNG CONAWAY STARGATT & TAYLOR LLP

I also certify that copies were caused to be served on December 28, 2007, upon the following in the manner indicated:

BY EMAIL AND HAND DELIVERY

John W. Shaw, Esquire
Karen L. Pascale, Esquire
Young Conaway Stargatt & Taylor, LLP
1000 West Street
Wilmington, DE 19801
jshaw@ycst.com
kpascale@ycst.com

BY EMAIL

Joseph A. Hynds, Esquire
Glenn E. Karta, Esquire
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1423 K Street, N.W., Suite 800
Washington, DC 20005
jhynds@rfem.com
gkarta@rfem.com

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)
MORRIS, NICHOLS, ARSHT & TUNNELL LLP
Wilmington, DE 19899
(302) 658-9200
rsmith@mnat.com